

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

MARK D. CAMPBELL, M.D.

License No. 25777

For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-09-0047A

**ORDER FOR LETTER OF REPRIMAND
AND PROBATION AND CONSENT TO
SAME**

Mark D. Campbell, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Letter of Reprimand and Probation; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 2577 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-09-0047A after receiving a notification from Respondent regarding an incident on October 3, 2008 and January 3, 2009 where hospital staff indicated that Respondent appeared impaired.

4. On January 15, 2009, Respondent met with the Board's Addiction Medicine Consultant and submitted to urine and hair drug tests. Respondent's urine test was positive for Ambien and Ethylglucuronide and his hair test was positive for Cocaine and Oxycodone. There was no evidence that a physician prescribed Respondent any of the controlled substances for a course of treatment.

5. Subsequently, Board Staff received a complaint alleging that Respondent inappropriately prescribed medication to his girlfriend ("SU") and diverted some of the medication for his own use. During the Board's investigation, Staff obtained a pharmacy

1 survey that showed from April 2008 through January 2009, Respondent prescribed
2 Oxycodone, Endocet, Ambien, Xanax, Lorazepam, and Lunesta to SU. Staff then
3 requested SU's medical records from Respondent's office. Respondent's office staff stated
4 that they did not have any records for SU.

5 6. On February 4, 2009, Respondent was ordered to undergo a chemical
6 dependency evaluation at a Board approved facility. On February 25, 2009, Respondent
7 completed the evaluation with diagnoses of cocaine and opiate abuse, alcohol abuse
8 versus alcohol dependence and generalized anxiety disorder. The facility recommended
9 that Respondent enroll in inpatient treatment and an extended monitoring program. The
10 facility also recommended that Respondent should not return to the practice of medicine
11 until he was completely off mood altering substances. On April 14, 2009, Respondent was
12 admitted for inpatient treatment and underwent an assessment and detoxification. On July
13 2, 2009, Respondent successfully completed treatment with discharge diagnoses of
14 alcohol, cocaine, opioid, and Ambien dependence and adjustment disorder with mixed
15 anxiety and depressed mood.

16 7. On June 22, 2009, the Board received correspondence from Respondent
17 admitting that he prescribed medications without maintaining medical records for SU, RV
18 and JC. Respondent also admitted using Percocet he prescribed to SU. On July 8, 2009,
19 Respondent entered into an Interim Consent Agreement to participate in the Board's
20 Monitored Aftercare Program (MAP).

21 CONCLUSIONS OF LAW

22 1. The Board possesses jurisdiction over the subject matter hereof and over
23 Respondent.

24 2. The conduct and circumstances described above constitute unprofessional
25 conduct pursuant to A.R.S. § 32-1401(27)(e) ("failing or refusing to maintain adequate

1 records on a patient."), A.R.S. § 32-1401(27)(f) ("[h]abitual intemperance in the use of
2 alcohol or habitual substance abuse."), A.R.S. § 32-1401(27)(g) ("[u]sing controlled
3 substances except if prescribed by another physician for use during a prescribed course of
4 treatment.") and A.R.S. § 32-1401(27)(j) ("[p]rescribing, dispensing or administering any
5 controlled substance or prescription-only drug for other than accepted therapeutic
6 purposes.

7 **ORDER**

8 **IT IS HEREBY ORDERED THAT:**

- 9 1. Respondent is issued a Letter of Reprimand.
10 2. Respondent is placed on Probation for **five years** with the following terms
11 and conditions:

12 a. Respondent shall submit quarterly declarations under penalty of
13 perjury on forms provided by the Board, stating whether there has been compliance with
14 all conditions of probation. The declarations shall be submitted on or before the 15th of
15 March, June, September and December of each year, beginning on or before March,
16 2010.

17 b.1. **Participation**¹. Respondent shall promptly enroll in and participate in
18 the Board's program for the treatment and rehabilitation of physicians who are impaired by
19 alcohol or drug abuse ("MAP"). Respondent's participation in MAP may be unilaterally
20 terminated with or without cause at the Board's discretion at any time after the issuance of
21 this Order.

22 2. **Relapse Prevention Group**. Respondent shall attend MAP's relapse
23 prevention group therapy sessions one time per week for the duration of this Order, unless
24

25 ¹ Respondent's MAP participation is retroactive to July 8, 2009.

1 excused by the MAP relapse prevention group facilitator for good cause such as illness or
2 vacation. Respondent shall instruct the MAP relapse prevention group facilitators to
3 release to Board Staff, upon request, all records relating to Respondent's treatment, and
4 to submit monthly reports to Board Staff regarding attendance and progress. The reports
5 shall be submitted on or before the 10th day of each month.

6 3. **12 Step or Self-Help Group Meetings.** Respondent shall attend
7 ninety 12-step meetings or other self-help group meetings appropriate for substance
8 abuse and approved by Board Staff, for a period of ninety days beginning not later than
9 either (a) the first day following Respondent's discharge from chemical dependency
10 treatment or (b) the date of this Order.

11 4. Following completion of the ninety meetings in ninety days,
12 Respondent shall participate in a 12-step recovery program or other self-help program
13 appropriate for substance abuse as recommended by the MAP Director and approved by
14 Board Staff. Respondent shall attend a minimum of three 12-step or other self-help
15 program meetings per week for a total of twelve per month. Two of the twelve meetings
16 must be Caduceus meetings. Respondent must maintain a log of all self-help meetings.
17 Board Staff will provide the log to Respondent.

18 5. **Board-Staff Approved Primary Care Physician.** Respondent shall
19 promptly obtain a primary care physician and shall submit the name of the physician to
20 Board Staff in writing for approval. The Board-approved primary care physician ("PCP")
21 shall be in charge of providing and coordinating Respondent's medical care and treatment.
22 Except in an *Emergency*, Respondent shall obtain medical care and treatment only from
23 the PCP and from health care providers to whom the PCP refers Respondent.
24 Respondent shall request that the PCP document all referrals in the medical record.
25 Respondent shall promptly inform the PCP of Respondent's rehabilitation efforts and

1 provide a copy of this Order the PCP. Respondent shall also inform all other health care
2 providers who provide medical care or treatment that Respondent is participating in MAP.

3 a. "*Emergency*" means a serious accident or sudden illness that, if not
4 treated immediately, may result in a long-term medical problem or loss of life.

5 6. **Medication**. Except in an *Emergency*, Respondent shall take no
6 *Medication* unless the PCP or other health care provider to whom the PCP refers
7 Respondent prescribes the *Medication*. Respondent shall not self-prescribe any
8 *Medication*.

9 a. "*Medication*" means a prescription-only drug, controlled substance,
10 and over-the counter preparation, other than plain aspirin, plain ibuprofen,
11 and plain acetaminophen.

12 7. If a controlled substance is prescribed, dispensed, or is administered
13 to Respondent by any person other than PCP, Respondent shall notify the PCP in writing
14 within 48 hours and notify the MAP Director immediately. The notification shall contain all
15 information required for the medication log entry specified in paragraph 8. Respondent
16 shall request that the notification be made a part of the medical record. This paragraph
17 does not authorize Respondent to take any *Medication* other than in accordance with
18 paragraph 6.

19 8. **Medication Log**. Respondent shall maintain a current legible log of
20 all *Medication* taken by or administered to Respondent, and shall make the log available to
21 the Board Staff upon request. For *Medication* (other than controlled substances) taken on
22 an on-going basis, Respondent may comply with this paragraph by logging the first and
23 last administration of the *Medication* and all changes in dosage or frequency. The log, at
24 a minimum, shall include the following:

25 a. Name and dosage of *Medication* taken or administered;

- b. Date taken or administered;
- c. Name of prescribing or administering physician;
- d. Reason *Medication* was prescribed or administered.

This paragraph does not authorize Respondent to take any *Medication* other than in accordance with paragraph 6.

9. **No Alcohol or Poppy Seeds.** Respondent shall not consume alcohol or any food or other substance containing poppy seeds or alcohol.

10. **Biological Fluid Collection.** During all times that Respondent is physically present in the State of Arizona and such other times as Board Staff may direct, Respondent shall promptly comply with requests from Board Staff or MAP Director to submit to witnessed biological fluid collection. If Respondent is directed to contact an automated telephone message system to determine when to provide a specimen, Respondent shall do so within the hours specified by Board Staff. For the purposes of this paragraph, in the case of an in-person request, "promptly comply" means "immediately." In the case of a telephonic request, "promptly comply" means that, except for good cause shown, Respondent shall appear and submit to specimen collection not later than two hours after telephonic notice to appear is given. The Board in its sole discretion shall determine good cause.

11. Respondent shall provide Board Staff in writing with one telephone number that shall be used to contact Respondent on a 24 hour per day/seven day per week basis to submit to biological fluid collection. For the purposes of this section, telephonic notice shall be deemed given at the time a message to appear is left at the contact telephone number provided by Respondent. Respondent authorizes any person or organization conducting tests on the collected samples to provide testing results to the Board and the MAP Director.

1 12. Respondent shall cooperate with collection site personnel regarding
2 biological fluid collection. Repeated complaints from collection site personnel regarding
3 Respondent's lack of cooperation regarding collection may be grounds for termination
4 from MAP.

5 13. Out of State Travel and/or Unavailability at Home or Office
6 Telephone Number. Respondent shall provide Board Staff at least three business days
7 advance written notice of any plans to be away from office or home when such absence
8 would prohibit Respondent from responding to an order to provide a biological fluid
9 specimen or from responding to communications from the Board. The notice shall state
10 the reason for the intended absence from home or office, and shall provide a telephone
11 number that may be used to contact Respondent.

12 14. Payment for Services. Respondent shall pay for all costs,
13 including personnel and contractor costs, associated with participating in MAP at
14 time service is rendered, or within 30 days of each invoice sent to Respondent.

15 15. Examination. Respondent shall submit to mental, physical, and
16 medical competency examinations at such times and under such conditions as directed by
17 the Board to assist the Board in monitoring Respondent's ability to safely perform as a
18 physician and Respondent's compliance with the terms of this Order.

19 16. Treatment. Respondent shall submit to all medical, substance
20 abuse, and mental health care and treatment ordered by the Board.

21 17. Obey All Laws. Respondent shall obey all federal, state and local
22 laws, and all rules governing the practice of medicine in the State of Arizona.

23 18. Interviews. Respondent shall appear in person before the Board and
24 its Staff and MAP committees for interviews upon request, upon reasonable notice.

25 19. Address and Phone Changes, Notice. Respondent shall

1 immediately notify the Board in writing of any change in office or home addresses and
2 telephone numbers.

3 20. **Relapse, Violation.** In the event of chemical dependency relapse by
4 Respondent or Respondent's use of drugs or alcohol in violation of the Order, Respondent
5 shall promptly enter into an Interim Consent Agreement for Practice Restriction that
6 requires, among other things, that Respondent not practice medicine until such time as
7 Respondent successfully completes long-term inpatient or residential treatment program
8 for chemical dependency designated by Board Staff and obtains affirmative approval from
9 the Board or the Executive Director to return to the practice of medicine. Prior to
10 approving Respondent's request to return to the practice of medicine, Respondent may be
11 required to submit to witnessed biological fluid collection, undergo any combination of
12 physical examination, psychiatric or psychological evaluation and/or successfully pass the
13 special purpose licensing examination or the Board may conduct interviews for the
14 purpose of assisting it in determining the ability of Respondent to safely return to the
15 practice of medicine. **In no respect shall the terms of this paragraph restrict the**
16 **Board's authority to initiate and take disciplinary action for violation of this Order.**

17 21. **Notice Requirements.**

18 (A) Respondent shall immediately provide a copy of this Order to all
19 employers and all hospitals and free standing surgery centers where Respondent currently
20 has privileges. Within 30 days of the date of this Order, Respondent shall provide the
21 Board with a signed statement of compliance with this notification requirement. Upon any
22 change in employer or upon the granting of privileges at additional hospitals and free
23 standing surgery centers, Respondent shall provide the employer, hospital or free standing
24 surgery center with a copy of this Order. Within 30 days of a change in employer or upon
25 the granting of privileges at additional hospitals and free standing surgery centers,

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1 Respondent shall provide the Board with a signed statement of compliance with this
2 notification requirement.

3 (B) Respondent is further required to notify, in writing, all employers,
4 hospitals and free standing surgery centers where Respondent currently has or in the
5 future gains employment or privileges, of a chemical dependency relapse, use of drugs or
6 alcohol in violation of this Order and/or entry into a treatment program. Within seven days
7 of any of these events, Respondent shall provide the Board written confirmation of
8 compliance with this notification requirement.

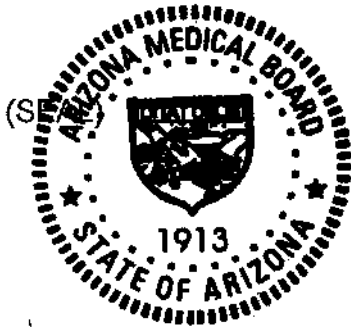
9 22. Public Record. This Order is a public record.

10 23. Out-of-State. In the event Respondent resides or practices as a
11 physician in a state other than Arizona, Respondent shall participate in the rehabilitation
12 program sponsored by that state's medical licensing authority or medical society.
13 Respondent shall cause the monitoring state's program to provide written reports to the
14 Board regarding Respondent's attendance, participation, and monitoring. The reports
15 shall be due quarterly on or before the 15th day of March, June, September, and
16 December of each year, until the Board terminates this requirement in writing. The
17 monitoring state's program and Respondent shall immediately notify the Board if
18 Respondent: a) is non-compliant with any aspect of the monitoring requirements; b)
19 relapses; c) tests positive for controlled substances; d) has low specific gravity urine drug
20 test(s), missed and/or late urine drug tests, or otherwise rejected urine drug tests; and e) is
21 required to undergo any additional treatment.

22 24. This Order supersedes all previous consent agreements and
23 stipulations between the Board and/or the Executive Director and Respondent.

24 25. The Board retains jurisdiction and may initiate new action based upon
25 any violation of this Order.

1 DATED AND EFFECTIVE this 2ND day of DECEMBER, 2009.



ARIZONA MEDICAL BOARD

By


Lisa S. Wynn
Executive Director

8 **CONSENT TO ENTRY OF ORDER**

9 1. Respondent has read and understands this Consent Agreement and the
10 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
11 acknowledges he has the right to consult with legal counsel regarding this matter.

12 2. Respondent acknowledges and agrees that this Order is entered into freely
13 and voluntarily and that no promise was made or coercion used to induce such entry.

14 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
15 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
16 this Order in its entirety as issued by the Board, and waives any other cause of action
17 related thereto or arising from said Order.

18 4. The Order is not effective until approved by the Board and signed by its
19 Executive Director.

20 5. All admissions made by Respondent are solely for final disposition of this
21 matter and any subsequent related administrative proceedings or civil litigation involving
22 the Board and Respondent. Therefore, said admissions by Respondent are not intended
23 or made for any other use, such as in the context of another state or federal government
24 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
25 any other state or federal court.

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1 6. Upon signing this agreement, and returning this document (or a copy thereof)
2 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
3 the Order. Respondent may not make any modifications to the document. Any
4 modifications to this original document are ineffective and void unless mutually approved
5 by the parties.

6 7. This Order is a public record that will be publicly disseminated as a formal
7 disciplinary action of the Board and will be reported to the National Practitioner's Data
8 Bank and on the Board's web site as a disciplinary action.

9 8. If any part of the Order is later declared void or otherwise unenforceable, the
10 remainder of the Order in its entirety shall remain in force and effect.

11 9. If the Board does not adopt this Order, Respondent will not assert as a
12 defense that the Board's consideration of the Order constitutes bias, prejudice,
13 prejudgment or other similar defense.

14 10. Any violation of this Order constitutes unprofessional conduct and may result
15 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
16 consent agreement or stipulation issued or entered into by the board or its executive
17 director under this chapter") and 32-1451.

18 11. *Respondent has read and understands the conditions of probation.*

19
20 
21 MARK D. CAMPBELL, M.D.

DATED: 10-8-9

22 EXECUTED COPY of the foregoing mailed
23 this 2nd day of December, 2009 to:

24 Stephen Myers
25 Myers & Jenkins, P.C.
One E. Camelback Road, Suite 500
Phoenix, Arizona 85012

1 EXECUTED COPY of the foregoing mailed
2 this 2nd day of December, 2009 to:

3 Mark D. Campbell, M.D.
4 Address of Record

5 ORIGINAL of the foregoing filed
6 this 2nd day of December, 2009 with:

7 Arizona Medical Board
8 9545 E. Doubletree Ranch Road
9 Scottsdale, AZ 85258

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11 Arizona Medical Board Staff
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